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The Legislature.

In the Senate, on Tuesday, the following discussion took place on a bill from the House to establish a Board of Ordnance and Ordnance Bureau:

Mr. Fickling moved to strike out the words "appointed by the Governor," and went on to give his reasons for making the Governor the appointing power, and the other virtually making him the Ordnance Bureau. He desired to be understood as not expressing any fear as regards the action of the gentleman who now fills or who may be selected to fill the Executive Chair during the coming two years. As the bill now stood, the Governor appointed the Board, and the Board, with the Governor, the Ordnance officer, and he really thought that if the Board was selected by the Legislature, there would be a better chance of getting gentlemen of wisdom and intelligence. Should the bill pass as reported, we, of course, make the Governor the Ordnance Bureau.

Mr. Mazyck said the Ordnance officer was not yet provided for. He would suggest to the gentleman from St. James (Mr. Fickling) that if the word "three" were stricken out in the fifth line, and "one" inserted, the difficulty would be overcome. The Governor then would have only one member of the Board to appoint. This change would also have the good effect of reducing the number of the Board, as a number of Senators think six entirely too large a number to compose the Board. When constituted, the Board would be an executive and not a deliberative body, and the less number of persons composing it the better.

Mr. Alston moved to amend so as to make the three members of the Board appointed by the Governor and Adjutant General.

Mr. Moses asked how it would be if the Governor and Adjutant General could not agree.

Mr. Cannon moved that the bill be recommended to the Military Committee. We were drifting into the same difficulty experienced when this bill was under consideration last week. At every step matters appeared to become more tangled.

Mr. Rhett hoped the friends of the bill would make a stand and pass it at once. If these continued motions to postpone, to amend, or to adjourn were to spring on every occasion, the friends of the measure had better give up at once. The objections raised to portions of the bill were captious, and should not have the effect of swerving its friends for a moment. This is no time for trifling. It becomes us to prepare for the coming crisis. After other amendments fail now we have one evidently intended to veto the Governor by the voice of the Adjutant General. He then referred to the action of the Legislature in 1851, an asked Senators to only enquire how it was that the State had now so many cannon—how was it that there were guns of such large calibre now in Charleston harbor? They were procured by the very act of 1851, which gave the Governor the assistance and advice of the very best men in the State. What could possibly be the objection to the Governor having three gentlemen to help him? He could not see why the number should be so small. As far as he was concerned, he would prefer to have five gentlemen appointed to assist the Governor in doing the work. He appealed to Senators to cease their endeavors to amend the bill.

He desired to see the State put in a posture of defence at once, and he was ready to take the bill as it came from the House, and pass it through this body without altering a line.

Mr. Fickling desired to be understood as offering no captious opposition to the bill. He was as earnestly in favor of it as any gentleman in the Senate, and would also vote for it without altering a word or a letter; but when a bill like this comes before us, it is our duty as legislators to perfect it as much as possible. His amendment had been made in good faith, and for no other purpose than to allow other Senators the opportunity to participate in perfecting the bill. He had not the least objection to making the Governor the entire Ordnance Department, but it had never been the policy of the State to put the power of appointment in the hands of the Governor, and he could see no reason why it should be done now. By making the appointments, the Legislature holds a wholesome restraint on the officers; we have checks and balances on them. If these gentlemen are to be appointed merely as advisers of the Governor, cannot that functionary call on every gentleman in the State for advice; and if so, why make the Board so large. The result of the bill as it now stands, was to make the Governor the Board, and for this reason he would like to see it changed, but not at the hazard of defeating the bill. He was perfectly willing that the word "three" should be stricken out, and to have the Board consist of the Governor, Adjutant General, and Ordnance officer.

Mr. Cannon said that, at the risk of being considered captious, he intended to speak his mind on the subject. He was opposed to this haste—this passage of important bills without having them duly considered. It was better, far better, to pass no bills whatever, than to pass measures that will have to be reconsidered on account of their imperfection. He was perfectly aware of the crisis the State was approaching, and for this reason he desired to see these important bills put in proper

shape. There was no Senator who would go farther, or who would do more for the State, than he would; but whatever was done, he desired to see done properly.

Mr. Rhett rose to explain. In speaking of captious opposition, he meant what he considered direct opposition to the bill. He desired Senators to look at the city of Charleston; there they would find eight of the largest class Paixan guns that had been procured in other sections of the country by a board of gentlemen who had left the State for that very purpose. Messrs. Drayton, Jones, Martin and others of this Board, went and bought these guns—these very guns that may perhaps be used in taking the forts in Charleston harbor. Now, all know that it is an assumed fact, but the speaker was not one who believed in it, that the Governor could not leave the State during his term of office, and what possible objection could there be to gentlemen of standing and ability performing the service, particularly when they served for nothing. He read the Act of 1851, under which these very Paixan guns were purchased in Virginia. If Governor, is stricken out, that functionary will be just where he is now—no better nor worse; but leave it as it is, and he would guarantee that the Governor would have good and true men around him; some, perhaps, that were even now in the employ of the United States Government.

Mr. Cannon was willing so to amend his motion as to make the committee report tomorrow. All he wanted was to reconvene and bring together the different views entertained.

Mr. O'Connell hoped there would be no postponement. The committee could present the Senate with no new light whatever on the subject.

Mr. Fickling withdrew his motion, expressing himself as fully satisfied with the explanation of the gentleman from St. Helena.

Mr. Marshall remarked that the time for action had arrived. If we are to do anything, said he, now or never is the time to do it. The Legislature must act. As a member of the Military Committee, he would have been ashamed to make a report on the subjects referred to that Committee at the Extra Session, had he not thought that the Legislature would have acted promptly on them, and the State so promptly have carried them out. The bill before the Senate possibly may not be as correct and proper as it might be, we must not look at minor defects, but take it as a whole as a measure calculated to support the State in the coming emergency. The only change that he would desire to see made was that the Ordnance Department be made separate and distinct from all others. All the cannon, guns, equipments and machinery of war should be under the exclusive control of this department. The United States Ordnance Department had been gotten up in 1832 by such men as Scott and Macomb, and their judgment dictated that all the stores and munitions of the army should be under its control. In the very last campaign of the United States troops in a foreign land, General Scott had instituted an Ordnance Department and put over it a Lieutenant Colonel; and in making his selection from the gallant spirits around him, he selected one that every Carolinian loved to honor—the brave Huger. In this, our first step, we should take a lesson from the experience of others. He suggested that probably the bill might be more acceptable if, in lieu of four persons, the Ordnance Board consist of a Colonel, a Lieutenant Colonel, and a Major, to be elected by the Legislature and the Governor, to be *coadjutors* President of the Board.

Mr. Cannon withdrew his motion to recommend. The suggestion of the Senator from Abbeville met his views precisely.

Mr. Bryan desired to know whether these officers were to be taken from the regular militia now in existence, or from the force to be raised.

Mr. Marshall was perfectly willing to leave that to the Legislature. Had he the power, he would take them from South Carolinians now in the United States Army.

Mr. Bryan remarked that the officers named were of a certain rank, and of course they would have to be taken from among those now holding those ranks in the State.

Mr. Mazyck suggested that the officers be stricken out and three persons inserted. Mr. Marshall would be willing to that, provided that after the three persons were appointed they should rank as Colonel, Lieutenant Colonel and Major.

Mr. Garlington suggested that the board consist of the governor, a Colonel, a Lieutenant Colonel and a Major, and that the officers be appointed by the Governor.

Mr. Bryan remarked that it was important to be understood that the parties elected or appointed, are to have special salaries.

Mr. Rhett said that the debate that had taken place on this important bill had satisfied him that the Committee had faithfully performed their duty. They certainly understood what they were about; but if ever a deliberative body was in a fix, this body was in one now. The officers composing this Ordnance Board are to serve for nothing, and yet Senators desire they shall stand the ordeal of an election by the Legislature. Make it so, and you will have sought but mean men coming here to solicit your vote, no gentleman, no honorable man, would be found coming here to ask for a position. Make it so, and you will have the worst kind of men filling the most responsible position in the State, for the simple reason that no honorable man will seek it. This thing is only temporary. It cannot last long. South Carolina and the other Southern States will soon have an army of their own—an army on the same footing with that of the United States. He said we are called a small State and a smaller people, and, if this debate continues much longer, we shall be looked upon as being engaged in a small business. He hoped the people would be larger, and the State more powerful ere long.

EXTRACTS FROM THE PRESIDENT'S MESSAGE.

Fellow-citizens of the Senate and House of Representatives:

Throughout the year, since our last meeting, the country has been eminently prosperous in all its material interests. The general health has been excellent, our harvests have been abundant, and plenty smiles throughout the land. Our commerce and manufactures have been presented with energy and industry, and have yielded fair and ample returns. In short, no nation in the tide of time has ever presented a spectacle of greater material prosperity than we have done until within a very recent period.

Why is it, then, that discontent now so extensively prevails, and the Union of the States, which is the source of all these blessings, is threatened with destruction? The long-continued and intemperate interference of the Northern people with the question of slavery in the Southern States, the different sections of the Union are now arrayed against each other, and the time has arrived, so much dreaded by the Father of his Country, when hostile geographical parties have been formed. I have long foreseen and often forewarned my countrymen of the now impending danger. This does not proceed solely from the claim on the part of Congress or the Territorial Legislatures, nor from the efforts of different States to defeat the execution of the fugitive slave law. All or any of these evils might have been endured by the South without danger to the Union, (as others have been,) in the hope that time and reflection might apply the remedy. The immediate peril arises, not so much from these causes, as from the fact that the incessant and violent agitation of the slavery question throughout the North for the last quarter of a century, has at length produced its malign influence on the slaves, and inspired them with vague notions of freedom. Hence a sense of security no longer exists around the family altar. This feeling of peace at home has given place to apprehensions of servile insurrection. Many a matron throughout the North retires at night in dread of what may befall herself and her children before the morning. Should this apprehension of domestic danger, whether real or imaginary, extend and intensify itself until it shall pervade the masses of the Southern people, then disunion will become inevitable. Self-preservation is the first law of nature, and has been implanted in the heart of man, by his Creator, for the wisest purpose; and no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to render the homes and firesides of nearly half the parties to it habitually and hopelessly insecure. Sooner or later the bonds of such a Union must be severed. It is my conviction that this fatal period has not yet arrived; and my prayer to God is that He would preserve the Constitution and the Union throughout all generations.

But let us take warning in time, and remove the cause of danger. It cannot be denied that, for five and twenty years, the agitation at the North against slavery in the South has been incessant. In 1835, pictorial hand-bills, and inflammatory appeals, were circulated extensively throughout the South, of a character to excite the passions of the slaves; and in the language of General Jackson, "to stimulate them to insurrection, and produce all the horrors of a servile war." This agitation has ever since been continued by the public press, by the proceedings of State and County Conventions, and by Abolition sermons and lectures. The time of Congress has been occupied in violent speeches on this never-ending subject; and appeals in pamphlet and other forms, endorsed by distinguished names, have been sent forth from this central point, and spread broadcast over the Union.

How easy would it be for the American people to settle the slavery question forever, and to restore peace and harmony to the distracted country. They, and they alone, can do it. All that is necessary to accomplish the object, and all for which the slave States have ever contended, is to be let alone, and permitted to manage their domestic institutions in their own way. As sovereign States, they, and they alone, are responsible before God and the world for the slavery existing among them. For this, the people of the North are not more responsible, and have no more right to interfere, than with similar institutions in Russia or Brazil. Upon their good sense and patriotic forbearance I confess I still greatly rely. Without their aid, it is beyond the power of any President, no matter what may be his own political proclivities, to restore peace and harmony among the States. Wisely limited and restrained as is his power, under our Constitution and laws, he alone can accomplish but little, for good or for evil, on such a momentous question.

And this brings me to observe that the election of any one of our fellow-citizens to the office of President does not of itself afford just cause for dissolving the Union. This is more especially true if his election has been effected by a mere plurality, and has resulted from transient and temporary causes which may probably never again occur. In order to justify a resort to revolutionary resistance, the Federal Government must be guilty of a deliberate, palpable, and dangerous exercise of powers not granted by the Constitution. The late presidential election, however, has been held in strict conformity with its express provisions. It cannot last long. South Carolina and the other Southern States will soon have an army of their own—an army on the same footing with that of the United States.

He said we are called a small State and a smaller people, and, if this debate continues much longer, we shall be looked upon as being engaged in a small business. He hoped the people would be larger, and the State more powerful ere long.

It is said, however, that the necessities of the President elect have been sufficient to justify the fears of the South that he will attempt to invade their constitutional rights. But are such apprehensions of contingent danger in the future sufficient to justify the immediate destruction of the noblest system of government ever devised by mortals? From the very nature of his office, and its high responsibilities, he must necessarily be conservative. The stern duty of administering the vast and complicated concerns of this Government affords in itself a guarantee that he will not attempt any violation of a clear constitutional right. After all, he is no more than the chief executive officer of the Government. His province is not to make, but to execute the laws; and it is a remarkable fact in our history that, notwithstanding the repeated efforts of the anti-slavery party, no single act has ever passed Congress, unless we may possibly except the Missouri Compromise, impairing, in the slightest degree, the rights of the South to their property in slaves. And it may also be observed, judging from present indications, that no probability exists of the passage of such an act, by a majority of both Houses, either in the present or the next Congress. Surely, under these circumstances, we ought to be restrained from precipitate action by the prospect of Him who spoke as never man spoke, that is sufficient unto the day is the evil thereof. The day of evil may never come, unless we shall rashly bring it upon ourselves.

It is almost an unexcusable error to suppose that the Southern States are denied equal rights with the Northern States in the common Territories. But by what authority are these denied? Not by Congress, which never passed, and I believe never will pass, any act to exclude slavery from these Territories; and certainly not by the Supreme Court, which has solemnly decided that slaves are property, and like all other property, their owners have a right to take them into the common Territories, and hold them there under the protection of the Constitution.

So far, then, as Congress is concerned, the objection is not to anything they have done, but to what they may do hereafter. It will surely be admitted that this apprehension of future danger is no good reason for an immediate dissolution of the Union. It is true that the Territorial Legislature of Kansas, on the 23d of February, 1859, passed in great haste an act, over the veto of the Governor, declaring that slavery is, and shall be forever prohibited in that Territory. Such an act, however, plainly violating the rights of property secured by the Constitution, will surely be declared void by the Judiciary whenever it shall be presented to its tribunal.

Only three days after my inauguration, the Supreme Court of the United States solemnly adjudged that this power did not exist in a Territorial Legislature. Yet such has been the factious temper of the times that the correctness of this decision has been extensively questioned before the people, and the question has given rise to angry political conflicts throughout the country. Those who have appealed from the judgment of our highest constitutional tribunal to popular assemblies, would, if they could, invest a Territorial Legislature with power to annul the sacred rights of property. This power Congress has expressly forbidden by the Federal Constitution to exercise. Every State Legislature in the Union is forbidden by its own constitution to exercise it. It cannot be exercised in any State except by the people in their highest assembly, and by the people framing or amending their State constitutions. In this manner, it can only be exercised by the people of a Territory, if they send a convention of delegates to the purpose of framing a constitution preparatory to admission as a State into the Union. Then, and not until then, are they invested with power to decide the question whether slavery shall or shall not exist within their limits. This is an act of sovereign authority, and not of subordinate Territorial legislation. Were it otherwise, then, indeed, would the equality of the States in the Territories be destroyed, and the rights of property in slaves would depend not upon the guarantees of the Constitution, but upon the shifting majorities of an irresponsible Territorial Legislature. Such a doctrine, from its intrinsic soundness, can not long influence any considerable portion of our people, much less can it afford a good reason for a dissolution of the Union.

The most palpable violation of constitutional duty which have yet been committed, consists in the acts of different State Legislatures to defeat the execution of the fugitive slave law. It ought to be remembered, however, that the Federal Constitution grants no authority to Congress to hold responsible any President, or any individual, for the violation of the laws of any State, or for the exercise of powers not granted by the Constitution. Both State and national laws which question have when have from the beginning declared the fugitive slave law to be constitutional. The single exception is that of a State sent in Wisconsin, and this has not only been reversed by the proper appellate tribunal, but has met with no general approbation, that there can be no danger from this precedent. The validity of this law may be questioned, but over and over again it has been pronounced by the Supreme Court to be constitutional. It is founded upon the principle of the Constitution, and the rights of the States, and the rights of the people, and it is a well known historical fact that the Constitution itself could never have been adopted by the Convention. In one form or another under the act of 1793 and 1850, both being substantially the fugitive slave law has been the law of the land from the days of Washington until the present moment. Here, then, a clear case is presented in which it will be the duty of the next President, as it has been my own, to act with vigor in executing this supreme law against the conflicting enactments of State Legislatures. Should he fail in the performance of this high

duty, he will then have manifested a disregard of the Constitution and laws, to the great injury of the people of nearly one-half of the States of the Union. But are we to presume in advance that he will thus violate his duty? This would be at war with every principle of justice and of Christian charity. Let us wait for the overt act. The fugitive slave law has been carried into execution in every contested case since the commencement of the present administration; though often, it is to be regretted, with great loss and inconvenience to the master, and with considerable expense to the Government. Let us trust that the State Legislatures will repeal their unconstitutional and obnoxious enactments. Unless this shall be done without unnecessary delay, it is impossible for any human power to save the Union.

The Southern States, standing on the basis of the Constitution, have a right to demand this act of justice from the States of the North. Should it be refused, then the Constitution, to which all the States are parties, will have been wilfully violated by one portion of them in a provision essential to the domestic security and happiness of the remainder. In that event, the Federal States, after having first used all indirect and constitutional means to obtain redress, would be justified in revolutionary resistance to the Government of the Union.

I have purposely confined my remarks to revolutionary resistance, because it has been defined within the last few years, that any State, whenever this shall be its sovereign will and pleasure may secede from the Union, in accordance with the Constitutional rights of the other members of the Confederacy. That as each became parties to the Union by the vote of its own people assembled in Convention, so any one of them may retire from the Union in a similar manner by the vote of such a Convention.

In order to justify secession as a constitutional remedy, it must be on the principle that the Federal Government is a mere voluntary association of States, to be dissolved at pleasure by any one of the contracting parties. If this be so, the Confederacy is a rope of sand, to be penetrated and dissolved by the first adverse wave of public opinion in any of the States. In this manner our thirty-three States may resolve themselves into as many petty, jarring, and hostile Republics, each one referring from the Union, without responsibility when ver any such a course. By this process a Union might be entirely broken into fragments in a few years which cost our forefathers many years of toil, privation, and blood to establish.

Such a principle is wholly inconsistent with the history as well as the character of the Federal Constitution. After it was framed, with the greatest deliberation and care it was submitted to a convention of the people of the several States for ratification. Its provisions were discussed at length in their bodies, composed of the first men of the country. Its opponents contended that it conferred powers upon the Federal Government beyond the rights of the States, while its advocates maintained that under a fair construction of the instrument there was no foundation for such apprehensions. In that mighty struggle between the first intellects of this or any other country, it never occurred to any individual, either among its opponents or advocates, to suggest or even to intimate, that their course were all vain labor, because the moment that any State felt herself aggrieved, she might secede from the Union. What a crushing argument would this have opened upon those who would defend the rights of the States would be endorsed by the Constitution. The truth is, that it was not until many years after the origin of the Federal Government that such a proposition was first advanced. It was then met and rebuffed by the conclusive arguments of General Jackson, who in his message of 10th January, 1835, transmitting the nullifying ordinance of South Carolina to Congress, employs the following language: "The right of the people of a single State to dissolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberty and happiness of the millions composing this Union cannot be acknowledged. Such authority is believed to be utterly repugnant, both to the principles upon which the Federal Government is constituted, and to the objects which it was expressly formed to attain."

It was pretended that any clause in the Constitution gave sanction to such a theory. It is altogether founded upon a fiction, not having any language, contained in the instrument itself, but from the sovereign character of the several States by which it was ratified. But it is not the power of a State, like an individual, to yield a portion of its sovereign rights to secure the remainder. In the language of Mr. Madison, who has been called the Father of the Constitution: "It was framed by the States, that is by the people in each of the States, acting in their highest sovereignty, and each State consented by the same authority which formed the Constitution."

Now is the Government of the United States, created by the Constitution, less a Government in the strict sense of the term, within the sphere of its powers, than the Governments created by the constitutions of the States are within the sphere of theirs? If the former, organized into legislative, Executive and Judiciary Departments, it operates, like them, directly on persons and things, and like them it has at command a physical force for executing the powers committed to it.

It was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties. The old articles of confederation were entitled "Articles of Confederation and Perpetual Union between the States;" and by the 13th Article it is expressly declared that "the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual." The preamble to the Constitution of the United States, having express reference to the articles of confederation, recites that it was established "in order to form a more perfect Union." And yet it is contended that this "more perfect Union" does not include the essential attribute of perpetuity.

But that the Union was designed to be perpetual appears conclusively from the nature and extent of the powers conferred by the Constitution on the Federal Government. These powers embrace the very highest attributes of national sovereignty. They place both the sword and the purse under its control. Congress has power to make war, and to make peace; to raise and support armies and navies, and to conclude treaties with foreign Governments. It is invested with the power to coin money, and to regulate the value thereof, and to regulate commerce with foreign nations, and among the several States. It is not necessary to enumerate the other high powers which have been conferred upon the Federal Government. In order to carry the enumerated powers into effect, Congress possesses the exclusive right to lay and collect duties on imports and in common with the States to lay and collect all other taxes.

But the constitution not only conferred these high powers upon Congress, but it has adopted effectual means to restrain the States from interfering with their exercise. For that purpose it has, in strong prohibitory language, expressly declared that "no State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." Moreover, "without the consent of Congress no State shall lay any imposts or duties on any imports or exports, except what may be absolutely necessary for executing its inspection laws;" and if they exceed this amount, the excess shall belong to the United States.

And "no State shall, without the consent of Congress, lay any tonnage, keep troops, or ships of war, in time of peace; enter into any agreement or compact with another State, or with a foreign power; or engage in war, unless actually invaded, or in such imminent danger as not admit to delay."

In order still further to secure the uninterrupted exercise of these high powers against State interposition, it is provided "that this Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

The solemn sanction of religion has been superadded to the obligations of official duty, and all Senators and Representatives of the United States, all members of State Legislatures, and all executive and judicial officers, "both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

In order to carry into effect these powers, the Constitution has established a perfect Government in all its forms, Legislative, Executive, and Judiciary; and this Government, to the extent of its powers, acts directly upon the individual citizens of every State, and executes its own decrees by the agency of its own officers. In this respect it differs entirely from the Government under the old Confederation, which was confined to making requisitions on the States in their sovereign character. This left it in the discretion of each whether to comply with such requisitions. It thus became necessary, for the purpose of removing this barrier, and "in order to form a more perfect Union," to establish a Government which could act directly upon the people, and execute its own laws without the intermediate agency of the States. This has been accomplished by the Constitution of the United States.

In short, the Government created by the Constitution, and deriving its authority from the sovereign people of each of the several States, has precisely the same right to exercise its power over the people of all these States, in the enumerated cases, that each of them possesses over subjects not delegated to the United States but "reserved to the States, respectively, or to the people."

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It was pretended that any clause in the Constitution gave sanction to such a theory. It is altogether founded upon a fiction, not having any language, contained in the instrument itself, but from the sovereign character of the several States by which it was ratified. But it is not the power of a State, like an individual, to yield a portion of its sovereign rights to secure the remainder. In the language of Mr. Madison, who has been called the Father of the Constitution: "It was framed by the States, that is by the people in each of the States, acting in their highest sovereignty, and each State consented by the same authority which formed the Constitution."

Now is the Government of the United States, created by the Constitution, less a Government in the strict sense of the term, within the sphere of its powers, than the Governments created by the constitutions of the States are within the sphere of theirs? If the former, organized into legislative, Executive and Judiciary Departments, it operates, like them, directly on persons and things, and like them it has at command a physical force for executing the powers committed to it.

It was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties. The old articles of confederation were entitled "Articles of Confederation and Perpetual Union between the States;" and by the 13th Article it is expressly declared that "the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual." The preamble to the Constitution of the United States, having express reference to the articles of confederation, recites that it was established "in order to form a more perfect Union." And yet it is contended that this "more perfect Union" does not include the essential attribute of perpetuity.

But that the Union was designed to be perpetual appears conclusively from the nature and extent of the powers conferred by the Constitution on the Federal Government. These powers embrace the very highest attributes of national sovereignty. They place both the sword and the purse under its control. Congress has power to make war, and to make peace; to raise and support armies and navies, and to conclude treaties with foreign Governments. It is invested with the power to coin money, and to regulate the value thereof, and to regulate commerce with foreign nations, and among the several States. It is not necessary to enumerate the other high powers which have been conferred upon the Federal Government. In order to carry the enumerated powers into effect, Congress possesses the exclusive right to lay and collect duties on imports and in common with the States to lay and collect all other taxes.

But the constitution not only conferred these high powers upon Congress, but it has adopted effectual means to restrain the States from interfering with their exercise. For that purpose it has, in strong prohibitory language, expressly declared that "no State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." Moreover, "without the consent of Congress no State shall lay any imposts or duties on any imports or exports, except what may be absolutely necessary for executing its inspection laws;" and if they exceed this amount, the excess shall belong to the United States.

And "no State shall, without the consent of Congress, lay any tonnage, keep troops, or ships of war, in time of peace; enter into any agreement or compact with another State, or with a foreign power; or engage in war, unless actually invaded, or in such imminent danger as not admit to delay."

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In order still further to secure the uninterrupted exercise of these high powers against State interposition, it is provided "that this Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

The solemn sanction of religion has been superadded to the obligations of official duty, and all Senators and Representatives of the United States, all members of State Legislatures, and all executive and judicial officers, "both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

In order to carry into effect these powers, the Constitution has established a perfect Government in all its forms, Legislative, Executive, and Judiciary; and this Government, to the extent of its powers, acts directly upon the individual citizens of every State, and executes its own decrees by the agency of its own officers. In this respect it differs entirely from the Government under the old Confederation, which was confined to making requisitions on the States in their sovereign character. This left it in the discretion of each whether to comply with such requisitions. It thus became necessary, for the purpose of removing this barrier, and "in order to form a more perfect Union," to establish a Government which could act directly upon the people, and execute its own laws without the intermediate agency of the States. This has been accomplished by the Constitution of the United States.

In short, the Government created by the Constitution, and deriving its authority from the sovereign people of each of the several States, has precisely the same right to exercise its power over the people of all these States, in the enumerated cases, that each of them possesses over subjects not delegated to the United States but "reserved to the States, respectively, or to the people."

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